

### REMARKS

Claims 1-17 and 54-66 were pending as of the Office Action mailed September 4, 2009. Claims 1, 54, 61, and 66 are in independent form. No claims are being amended or cancelled. No new matter has been added.

Reconsideration and reexamination of the application is respectfully requested in light of the following remarks.

### **Interview Summary**

The applicant thanks Examiner Darno for the courtesy of the in-person interview on August 28, 2009. The time spent with the applicant's representative Arrienne M. Lezak was greatly appreciated. During the interview, the applicant's representative further explained the use of XML in a mobile environment to create format-independent messages. Additionally, the limitations of claim 66 were discussed.

### **Section 103 Rejections**

Claims 1-14, 16, 17, and 54-66 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,980,817 ("Chow") in view of U.S. Patent Appl. No. 2003/0065738 ("Yang"), in further view of U.S. Patent Appl. No. 2004/0087300 ("Lewis").

Claim 15 was rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the combined teachings of Chow, Yang, and Lewis, and in further view of U.S. Patent Appl. No. 2004/0058652 ("McGregor").

### Claim 1

Claim 1 recites wherein provisioning events include activation of a service, deactivation of a service, suspension of a service, resumption of a service, modification of a service profile or service parameters, and gathering of status information associated with a service. Additionally, claim 1 recites the provisioning request message being a format-independent electronic message capable of being constructed by and interpreted by any external system.

In rejecting these limitations, the examiner relies upon the teachings of Yang. Specifically, the examiner asserts that Yang teaches downloading, configuring, and updating application programs stored in a memory of a mobile communication device (Yang, Abstract).

On page 4 of the Office Action mailed September 4, 2009, the examiner asserts “wherein provisioning events include deactivation of service, suspension of service, resumption of service (*Yang: paragraphs [0023], [0024], [0027], [[0107], and [0109]; Suspension and resumption of service is essentially “activating” and “deactivating” service. These operations listed appear to be redundant in view of activation and deactivation.*)”

The applicant respectfully submits that Yang teaches “a configuration command [that] generally pertains to installing, removing, activating, and deactivating application programs” (*Yang, paragraph #0107*). Activating and deactivating application programs is not activating and deactivating services. Moreover, the activating and deactivating of application programs in Yang is accomplished using an active configuration command. In order to execute a configuration command, the applicant submits that the service on the mobile device must be previously activated (e.g., using a provisioning event). Thus, Yang does not teach the provisioning events required in claim 1.

On page 3 of the Office Action mailed September 4, 2009, the examiner asserts “Yang discloses wherein the provisioning request message [is] a format-independent electronic message capable of being constructed by and interpreted by any external system and having a data structure (*Yang: paragraph [0051] and paragraph [0047]; the trigger message is the provisioning request message. The XML trigger message is equivalent to the claimed format-independent electronic provisioning request message*)”.

The applicant respectfully submits that Yang teaches establishing a connection between a call center and a mobile device in order to retrieve or activate an application from the call center’s database. The data retrieved relating to the requested application program is preferably displayed in an XML document. The located data is then composed into a trigger message (e.g., an SMS message), used to trigger the mobile device to download the requested application program (*Yang, paragraphs # 0048-0052*).

Thus, the applicant submits that Yang teaches attaching an XML document to an SMS (Short Message Service) formatted message. SMS is a communication service that uses communications protocols that allow the interchange of short text messages between mobile telephone devices. The SMS message described in Yang is not in XML, and therefore is not the format-independent provisioning request message required by claim 1.

The applicant respectfully submits that the creation and transmission of XML documents was well-known at the time of applicant's invention. In contrast, a provisioning message written in XML was not well-known. By using an XML provisioning message with a mobile data service, the applicant created a provisioning message that could be easily construed and interpreted by any external system, thereby fulfilling a long-standing need to provision entities on a multitude of diverse systems using a multitude of different schemes.

Thus, the applicant respectfully submits that the teachings of Chow, Yang, Lewis, and McGregor, alone or in combination, do not teach or disclose the limitations recited in claim 1. The applicant further submits that claim 1 is in condition for allowance. Claims 54 and 61 recite features similar to those of claim 1 and stand rejected for the same reasons. Therefore, claims 54 and 61 are allowable for the same reasons set forth above with respect to claim 1.

#### Claim 66

Claim 66 specifically requires a series of connected steps which begin with receiving at a provisioning system, a provisioning request message generated by an external system, wherein the provisioning request message is a format-independent electronic message capable of being constructed and interpreted by any external system.

As noted on page 13 of the Office Action mailed September 4, 2009, Chow does not teach "wherein the provisioning request message is a format-independent electronic message capable of being constructed and interpreted by any external system". For this aspect, the examiner relies upon Yang. For the reasons enumerated above, the applicant submits that Yang does not make up for this deficiency in Chow.

Additionally, the applicant submits that as the steps clearly follow and rely upon one another, the combination of multiple references can not and does not teach each and every aspect of the applicant's claim 66.

#### Remaining Claims

Claims 2-17, 55-60, and 62-65, depend from independent claims 1 and 54 and are allowable for at least the reasons that apply to those independent claims.

Withdrawal of the rejections under 35 U.S.C. § 103(a) is therefore respectfully requested.

### Conclusion

The applicant respectfully requests that all pending claims be allowed.

By responding in the foregoing remarks only to particular positions taken by the examiner, the applicant does not acquiesce with other positions that have not been explicitly addressed. In addition, the applicant's selecting some particular arguments for the patentability of a claim should not be understood as implying that no other reasons for the patentability of that claim exist. Finally, the applicant's decision to amend or cancel any claim should not be understood as implying that the applicant agrees with any positions taken by the examiner with respect to that claim or other claims.

Please apply any charges or credits to Deposit Account No. 50-1432, (555255-012441).

Respectfully submitted,

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